

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:07CR316
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
MATTHEW LEE MONIZ, JR.,)	
)	
Defendant.)	

The Court has received the revised Presentence Investigation Report ("PSR") and Addendum in this case. The United States adopted the PSR at Filing No. 26, and the Defendant has not filed a separate objection to it. See Order on Sentencing Schedule, ¶ 6. The Addendum preserved for the Court's resolution whether a dangerous weapon was used in connection with the offense. The advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

IT IS ORDERED:

1. The parties are notified that my tentative findings are that the PSR is correct in all respects, and that the Court will hear argument on whether the specific offense characteristic for use of a dangerous weapon and the accompanying four level enhancement should be assessed in this matter;

2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary

hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and

4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 29th day of January, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge